

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
La Pata Avenue Green Waste Facility
SWIS No. 30-AB-0364
June 16, 2016

Background Information, Analysis, and Findings

This report was developed in response to the Orange County Health Care Agency, Environmental Health Division, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for La Pata Avenue Green Waste Facility, SWIS No. 30-AB-0364, Orange County, and owned by Rancho Mission Viejo and operated by Tierra Verde Industries. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on April 27, 2016. Action must be taken on this permit no later than June 26, 2016. If no action is taken by June 26, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

There are no proposed changes to the specifications (i.e., hours, tonnage, acreage, etc.) on the first page of the existing 2010 SWFP.

Changes include updates to the following sections of the SWFP:

1. "Legal Description," documents that describe and/or restrict the operation of the facility, and "EA Conditions," including the rewording, additions, and deletions of conditions for the purpose of updating and/or clarifying; and
2. The Report of Composting Site Information (RCSI) and Odor Impact Minimization Plan (OIMP) have been updated to reflect changes in personnel, equipment, site layout, proximity to the surrounding community and odor control measures.

Key Issues

The proposed permit updates the existing 2010 permit and incorporates the updated RCSI and OIMP, both dated January 2016.

Background

La Pata Avenue Green Waste Facility is an existing facility located at 31748 La Pata Avenue in the City of San Juan Capistrano. Current activities at the facility include chipping and grinding on 10 acres of land. Composting activities are not occurring on site at this time, but is an approved activity.

Findings

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on November 1, 2015. The LEA provided a copy to the Department on November 17, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 27, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 27, 2016 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated May 2, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 15, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 27, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Notice was posted by the LEA on February 29, 2016. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on June 15, 2016 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- April 2011 – May 2016 - No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Orange County Environmental Management Agency, Environmental Planning Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed modified permit include: updating of the permit and the incorporation of the updated RCSI and OIMP. There will be no changes to the operating hours/days, tonnage or permitted area. The existing permit is supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 1992091057, was circulated for a 30 day comment period from September 23, 1992 through October 23, 1992. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures.

The Orange County Health Care Agency (LEA) has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a public notice on February 29, 2016. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 17, 2016. No comments have been received by Department staff.